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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 PHOTOTHERA, INC., a Delaware
12 corporation,

Plaintiff,

13 vs.

14 AMIR ORON, M.D., an individual; URI
15 ORON, Ph.D., an individual,

16 Defendant.
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CASE NO. 07-CV-490 – IEG (AJB)

**ORDER GRANTING EX PARTE
APPLICATION TO SET ASIDE
ENTRY OF DEFAULT**

[Doc. No. 14]


18 Presently before the court is an ex parte application to set aside entry of default filed by the
19 plaintiff in this case, Photothera, Inc. (“Photothera”). (Doc. No. 14.) On April 19, 2007, plaintiff filed
20 an amended complaint naming two Israeli nationals, Amir Oron and Uri Oron, as defendants. (Doc.
21 No. 3.) On May 2, 2007, the court granted plaintiff’s ex parte motion to execute US Marshal’s Form
22 94, which would allow international service pursuant to Fed. R. Civ. P. 4 and the Hague Convention
23 on the Service Abroad of Judicial and Extrajudicial Documents. (Doc. No. 6.) On June 6, 2007,
24 plaintiff filed notice that the defendants were served on May 24, 2007. (Doc. No. 7.)

25 On June 20, 2007, Photothera requested entry of default against both defendants, (Doc. No.
26 11), which the Clerk of Court entered on June 21, 2007. (Doc. No. 13.) Photothera now requests the
27 court set aside the Clerk’s entry of default because they improperly requested such action. Photothera
28 acknowledges that the defendants have 90 days from the date of service in which to respond to its

1 amended complaint. Upon good cause appearing, the court hereby **GRANTS** the plaintiff's ex parte
2 application. The Clerk of Court is ordered to **set aside entry of default** as to both defendants.

3 **IT IS SO ORDERED.**

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5 **DATED: June 28, 2007**

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7 **HON. IRMA E. GONZALEZ**, Chief Judge
8 United States District Court
9 Southern District of California
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